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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/176,012 10/20/98 METTERNICH

J GE997-053

102

EXAMINER

WM01/0913

IBM CORPORATION 972/B656
INTELLECTUAL PROPERTY LAW
P O BOX 12195
RES TRI PARK NC 27709

DAVIS, T	
ART UNIT	PAPER NUMBER

2681

DATE MAILED:

09/13/01

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

SM

Office Action Summary

Application No.
09/176,012

Applicant(s)

Metternich et al.

Examiner

Temica M. Davis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Apr 11, 2001
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s): _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s): _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 15-17 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Honda, U.S. Patent No. 5,875,405.

Regarding claim 15, Honda discloses:

a) using a user data processing system (e.g. MT1) to prepare a query profile, having an associated brief command at least one information requirement, where the brief command can be produced using the keypad of a mobile telephone (col. 4, lines 12-30);

b) sending the query profile in accordance with step a) using the user data processing system to an information supplier (col. 4, lines 27-30); and

c) storing the query profile at the information provider on an information supplier data-processing system which can communicate with the telephone network of the mobile telephone (col. 4, lines 2-8 ; figure 1).

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Regarding claim 16, Honda discloses the method in accordance with Claim 15 characterized in that step b) is effected over a data link (RF) between the user data-processing system and the information supplier data-processing system (figures 1 and 6).

Regarding claim 17, after further consideration, Honda discloses the method in accordance with Claim 15 wherein the query profile is produced via a speech computer (i.e. the mobile terminal can be read on as the speech computer since they are known to allow user's to convey information through speech) (Honda, figure 1).

Regarding claim 20, Honda discloses the method in accordance with Claim 16 characterized in that the data link is effected through a modem to the information supplier data processing system (figure 1).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 6, 7, 9, 10, 12, 14, 21, 23-25, 27 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Honda, U.S. Patent No. 5,875,405 and Sormunen et al (Sormunen), U.S. Patent No. 6,112,078.

Regarding claim 1, Honda discloses:

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a) using a user data processing system (e.g. MT1) to prepare at least one query profile, where each query profile has at least one information requirement and an associated brief command, where each brief command can be specified using the keypad of a mobile telephone (col. 4, lines 12-30);

b) sending the query profile using the user data-processing system to an information supplier (e.g. base station) (col. 4, lines 27-30);

c) sending on information call using a mobile telephone (e.g. MT2) to the information supplier inherently containing at least one of the brief commands as evidenced by the fact that the base station knows what info MT2 wants (col. 1, lines 55-62 and col. 5, lines 15-36);

d) inherently comparing the brief command sent in accordance with step c) with the brief commands of the query profiles prepared and sent in accordance with steps a and b) as evidenced by the fact that an acknowledgment from the base station was received at the mobile and the base station transfers the requested information to the mobile (col. 5, lines 19-30);

e) putting together the information of the information requirements contained in the associated query profile in the event of agreement in accordance with step d) (col. 5, lines 40-49);
and

f) sending the collected information to the mobile telephone (col. 5, lines 50-58);

Honda, however, fails to specifically disclose the information being presented to a user of the mobile telephone by way of the mobile telephone.

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Sormunen discloses a method in which requested information is displayed (visual) to the mobile telephone (col. 4, lines 33-39).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Honda with the teachings of Sormunen for the purpose of allowing the user to see the requested information.

Regarding claim 2, the combination of Honda and Sormunen discloses the method in accordance with Claim 1 characterized in that step b) takes place via a data link (RF) between the user data processing system and an information supplier data processing system (figures 1 and 6).

Regarding claim 3, after further consideration, the combination of Honda and Sormunen discloses the method in accordance with Claim 1, wherein the query profile is produced via a speech computer (i.e. the mobile terminal can be read on as the speech computer since they are known to allow user's to convey information through speech) (Honda, figure 1).

Regarding claim 6, the combination of Honda and Sormunen discloses the method in accordance with Claim 2 characterized in that the data link is effected through a modem to the information supplier data-processing system (figure 1)

Regarding claims 7 and 21, the combination of Honda and Sormunen discloses the method in accordance with Claims 2 and 16 and further discloses wherein the data link is affected through the Internet to the information supplier data processing system (Sormunen, col. 4, lines 4-11).

Regarding claim 23, Honda discloses:

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a) sending a call for information by means of a mobile telephone to an information provider containing at least a brief command (col. 5, lines 15-27);

b) inherently comparing the sent brief command with the brief command of the query profile as evidenced by the fact that an acknowledgment from the base station was received at the mobile and the base station transfers the requested information to the mobile (col. 5, lines 19-30);

c) putting together the desired information of the at least one information requirement of the query profile in the event of agreement in accordance with step b) (col. 5, lines 40-49);

d) sending the collected information to the mobile telephone (col. 5, lines 50-58).

Honda, however, fails to specifically disclose the information being presented to a user of the mobile telephone via the mobile telephone.

Sormunen discloses a method in which requested information is displayed (visual) to the mobile telephone (col. 4, lines 33-39).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Honda with the teachings of Sormunen for the purpose of allowing the user to see the requested information.

Regarding claims 9 and 24, the combination of Honda and Sormunen discloses the method in accordance with Claims 1 and 23 , and further discloses wherein step c) and step a) are effected through the SMS of the mobile telephone (Sormunen, col. 3, lines 54-62).

Regarding claim 10, the combination of Honda and Sormunen discloses the method in accordance with Claim 1 characterized in that steps d) through f) are inherently each effected

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through one of the information suppliers programs as evidenced by the fact the actions are taking place within the information supplier (base station) (Honda, col. 5, lines 19-55).

Regarding claim 12, the combination of Honda and Sormunen discloses the method in accordance with Claim 1, and further discloses wherein the sending, in accordance with step f), is effected via another mobile telephone mobile telephone (Honda, col. 5, lines 50-58).

Regarding claims 14 and 29, the combination of Honda and Sormunen discloses the method in accordance with Claims 1 and 23 , and further discloses wherein the information, in accordance with steps g) and e), are supplied visually (Sormunen, col. 4, lines 33-39).

Regarding claim 25, the combination of Honda and Sormunen discloses the method in accordance with Claim 23, and further discloses that steps b) through d) are inherently effected through a program of the information provider as evidenced by the fact the actions are taking place within the information supplier (base station) (Honda, col. 5, lines 19-55).

Regarding claim 27, the combination of Honda and Sormunen discloses the method in accordance with Claim 23, and further discloses that the transmission in accordance with step d) is effected via a mobile telephone (Honda, col. 5, lines 50-58).

5. Claims 4, 5, 13, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Honda, U.S. Patent No. 5,875,405, Sormunen et al (Sormunen), U.S. Patent No. 6,112,078 and well known prior art.

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Regarding claim 4, the combination of Honda and Sormunen discloses the method in accordance with Claim 1 as described above. The combination, however, fails to specifically disclose wherein the information call is sent with a PIN, where the PIN establishes entitlement to call up the specified information.

However, the examiner takes official notice that it is well known in the art for a PIN to be transmitted along with requested information from a user.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the combination of Honda and Sormunen with the teachings of well known prior art for the purpose of verifying the user requesting the information for security purposes.

Regarding claim 5, the combination of Honda and Sormunen discloses the method in accordance with Claim 1, as described above. The combination, however, fails to specifically disclose wherein the information call is sent with a telephone number of the caller, where the telephone number establishes entitlement to call for the information.

However, the examiner takes official notice that it is well known in the art for the telephone number to be transmitted along with requested information from a user.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Honda and Sormunen with the teachings of well known prior art for the purpose of verifying the user requesting the information for security purposes.

Regarding claims 8, the combination of Honda and Sormunen discloses the method in accordance with Claim 1 as described above. The combination, however, fails to specifically

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disclose downloading JAVA applets stored on the server of the information supplier through the Internet to the data processing system of the user of the mobile telephone; and preparing the query profile in accordance with step a) by means of the JAVA applets.

Sormunen discloses a method of downloading information from an information supplier to the data processing system of a user of the mobile telephone by way of the Internet (col. 2, lines 32-49, col. 4, lines 4-11).

The combination of Honda and Sormunen also fails to disclose JAVA as the programming language used for the Internet communication. However, the examiner takes official notice that it is well known in the art that JAVA is a widely used programming language for the Internet.

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the combination of Honda and Sormunen with the teachings of well known prior art as it would have been a design preference in choosing the programming language used for the Internet communication based on system and need performance.

Regarding claims 13 and 28, the combination of Honda and Sormunen discloses the method in accordance with Claims 1 and 23 as described above and further discloses information being transferred on a data link between the mobile and the information provider (Honda, figure 1). The combination, however, fails to specifically disclose wherein the information is sent to a user of the mobile telephone via a network operator.

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The examiner however, takes official notice that it is well known in the art to incorporate network operators as suppliers of information to a mobile user.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the combination of Honda and Sormunen with the teachings of well known prior art as it would have been a design preference to incorporate a network operator in the system based on the desired system performance.

Regarding claim 22, Honda discloses the method in accordance with claim 15 as described above. Honda, however, fails to specifically disclose downloading JAVA applets stored on a server of the information supplier through an Internet to the data processing system of the user of the mobile telephone; and preparing the query profile in accordance with step a) by means of the JAVA applets.

Sormunen discloses a method of downloading information from an information supplier to the data processing system of a user of the mobile telephone by way of the Internet (col. 2, lines 32-49, col. 4, lines 4-11).

Although Sormunen fails to disclose JAVA as the programming language used for the Internet communication, the examiner, however, takes official notice that it is well known in the art that JAVA is a widely used programming language for the Internet.

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Honda with the teachings of Sormunen and well known prior art for the purpose of having access to the world wide web (WWW), and further it would have been an

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design preference in choosing the programming language used for the Internet communication based on system and need performance.

6. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Honda, U.S. Patent No. 5,875,405.

Regarding claim 17, Honda discloses the method in accordance with claim 15 as described above. Honda, however, fails to specifically disclose wherein the query profile is produced via a speech computer.

The examiner, however, takes official notice that it is very well known in the art that information can be produced by means of a speech computer.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Honda with the teachings of well known prior art for the purpose of having the capability to provide information during times when a user of the mobile phone can't use their hands to submit information.

Regarding claim 18, Honda discloses the method in accordance with claim 15 as described above. Honda, however, fails to specifically disclose wherein the call for information is sent with a PIN where the PIN establishes entitlement to call for the specified information.

However, the examiner takes official notice that it is well known in the art for a PIN to be transmitted along with requested information from a user.

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At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Honda with the teachings of well known prior art for the purpose of verifying the user requesting the information for security purposes.

Regarding claim 19, Honda discloses the method in accordance with claim 15 as described above. Honda, however, fails to specifically disclose wherein the call for information is sent with the telephone number of the caller, where the telephone number establishes entitlement to call for the information.

However, the examiner takes official notice that it is well known in the art for the telephone number to be transmitted along with requested information from a user.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Honda with the teachings of well known prior art for the purpose of verifying the user requesting the information for security purposes.

Response to Arguments

7. Applicant's arguments filed on April 11, 2001 have been fully considered but they are not persuasive.

Applicant argues that the mobile phone used in Honda is not a data processing system, and also that the mobile unit is not separate from the now claimed user data processing system. Applicant further states that the user data processing system discussed in the pending claims is a PC or other similar device distinct from the mobile phone in Honda.

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The examiner disagrees. Honda discloses in an embodiment a first mobile station which is a user data processing system. Although the applicant has not claimed the data processing system to be a PC, the mobile station (MT1) can be viewed as a user data processing system/PC (as evidenced by the fact that the mobile has the ability to store, receive and process data inputted by the user of the mobile phone, see Honda, col. 3, line 48-col. 4, line 8). MT1 can create and transmit an ADR table, which includes the query profile and brief command, to an information supplier (the base station). Honda goes on to say that the information supplier can later send this ADR table to another requesting mobile (MT2) different from the mobile (MT1) that created and transmitted the information to the information supplier. Therefore the examiner contends that the MT1 can be viewed as a data processing unit having a separate and different connection to the information supplier than another mobile terminal (MT2).

Therefore, the examiner contends that Honda still reads on the applicant's invention as claimed.

Applicant argues in reference to claims 3 and 17, that it is not well known in the art to use speech computers to produce and send query profiles for the purpose of speech recognition. However, the claim language recited in these claims only requires that the query profile be produced by a speech computer. The examiner contends, however, as stated in the rejections above in reference to claims 3 and 17, and after further consideration, Honda alone and in combination with Sormunen meets this limitation since mobile phones act as entities which are

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used to receive and transmit speech signals. The applicant has not linked speech recognition into the limitations of claims 3 and 17.

Applicant argues in reference to claims 4 and 18, that it is not well known in the art for a PIN to be transmitted along with requested information in order to retrieve data associated with a previously produced and stored query profile. The examiner disagrees. It is well known in the art that some systems require PIN's before the system will provide a user with requested information (see Henry, Jr., U.S. Patent No. 6,208,877). With regard to claim 4, motivation to use PIN's can be found in Sormunen where it is desired to prevent unauthorized use of information services (col. 1, lines 23-25). With regard to claim 18, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to modify Honda by implementing the use PIN's since their use is knowledge generally available to one of ordinary skill in the art.

Applicant argues in reference to claims 5 and 19, that it is not well known in the art to transmit a telephone number along with a request for information. The examiner disagrees. This limitation is well known (see Obayashi et al, U.S. Patent No. 5,943,614, col. 1, lines 44-49 and col. 2, lines 26-43). With regard to claim 5, motivation to use MIN's can be found in Sormunen

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where it is desired to prevent unauthorized use of information services (col. 1, lines 23-25). With regard to claim 19, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to modify Honda by implementing the use MIN's since their use is knowledge generally available to one of ordinary skill in the art.

Applicant argues in reference to claims 13 and 28, that it is not well known in the art to use network operators to supply information to mobile users via the telephone network. The examiner disagrees. It is well known in the art for information to be supplied to mobile users via network operators (see Seaholtz et al, U.S. Patent No. 5,920,821, col. 20, lines 16-32). The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to modify Honda and Sormunen by implementing the

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use network operators as information suppliers since their use is knowledge generally available to one of ordinary skill in the art.

Applicant argues in reference to claims 7 and 21, that the combination of Honda and Sormunen does not disclose a data link affected through the internet. The examiner disagrees. Sormunen discloses that information can be transmitted between a mobile user and an information supplier via the internet. The cited portions of Sormunen discloses this information as evidenced by the fact that a data transmission connection is made to the information service provider via an internet network (Sormunen, col. 4, lines 4-11). The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to combine Honda and Sormunen by implementing the use of internet data links since their use is knowledge generally available to one of ordinary skill in the art.

Applicant argues in reference to claims 9 and 24, that the combination of Honda and Sormunen fails to disclose that SMS is used in relationship to steps a and c. However, the examiner points to Sormunen, col. 3, lines 54-62 to show that a mobile can request service or information from an information service provider by using the SMS. The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art

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to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to combine Honda and Sormunen by implementing the use of the SMS since its use is knowledge generally available to one of ordinary skill in the art.

Applicant argues in reference to claims 14 and 29, that the combination of Honda and Sormunen fails to disclose visually supplying requested information to a user of the mobile phone on a display of the phone. The examiner disagrees. The cited portions of Sormunen (col. 4, lines 33-39) disclose that requested information can be presented to the user via the phone display. The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to combine Honda and Sormunen by implementing the use of the visual presentation of information to a user since its use is knowledge generally available to one of ordinary skill in the art.

Applicant argues in reference to claims 8 and 22, that the combination of Honda and Sormunen fails to disclose downloading JAVA applets to a user in order to prepare a query

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profile. The examiner disagrees. The cited portions of Sormunen (col. 2, lines 32-49 and col. 4, lines 4-11) teaches that an information service provider can download a subscription form (via the internet) whereby a user can enter personal data via a keyboard of a data processor wherein ultimately this entered data is saved.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Molne, U.S. Patent No. 5,943,611, discloses cellular radiotelephones including means for generating a search request data signal and receiving a telephone number from a network directory database and related methods.

Sicher et al, U.S. Patent No. 6,112,084, discloses cellular simultaneous voice and data including digital simultaneous voice and data (DSVD) interwork.

Landgren, U.S. Patent No. 6,115,754, discloses a system and method for appending location information to a communication sent from a mobile terminal operating in a wireless communication system to an Internet server.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Davis whose telephone number is (703) 306-5837. The examiner can normally be reached on Monday-Thursday from 8:30 am to 6:00 pm. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Dwayne Bost, can be reached on (703) 305-4778.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)305-4700.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 202314

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or faxed to:

(703) 872-9314 (for any communications intended for entry).

Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

TM

Temica M. Davis

August 27, 2001

Tracy Legree
TRACY LEGREE
PRIMARY EXAMINER